

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
MARILYN BARRESI, PERSONAL)	
REPRESENTATIVE OF THE ESTATE)	
OF STEPHANIE MCMAHON)	
Plaintiff,)	
v.)	Civil Action
)	No. 18-10737-PBS
CITY OF BOSTON)	
)	
)	
Defendant.)	
_____)	

ORDER

February 19, 2019

Saris, C.J.

The Court **DENIES** Plaintiff's motion to vacate the judgment pursuant to Federal Rule of Civil Procedure 60(b) (Docket No. 46) on the ground that Plaintiff has not demonstrated that she has a meritorious claim under 60(b)(6). See Ahmed v. Rosenblatt, 118 F.3d 886, 891 (1st Cir. 1997) ("[A] 60(b)(6) movant must make a suitable showing that the movant has a meritorious claim."). The Court had previously allowed the City's motion to dismiss the second amended complaint, which was unopposed (Docket No. 44). Even if the Plaintiff's late filing of the opposition may be excusable neglect due to unsuccessful efforts to reach opposing counsel over the holiday season, the motion to vacate is denied on the ground that the second amended complaint

(Docket No. 41) does not add any new factual allegations that cure the deficiencies of the first amended complaint (Docket No. 17). While this is a tragic case, Plaintiff's claims were already heard, considered, and dismissed for the reasons stated in the October 11, 2018 Memorandum and Order (Docket No. 40).

The Court also **DENIES AS MOOT** Plaintiff's motion for an extension of time (Docket No. 47).

SO ORDERED.

/s/ PATTI B. SARIS
Patti B. Saris
Chief United States District Judge